

**DECLARATION AND POWER  
OF ATTORNEY FOR UTILITY  
OR DESIGN  
PATENT APPLICATION**

Declaration       Declaration

Submitted with      Submitted after Initial  
Initial Filing      Filing (surcharge  
                        37 CFR 1.16(e) required)

|                           |                  |
|---------------------------|------------------|
| Attorney Docket No.       | SPV-001 (6101/2) |
| First Named Inventor      | Spievack         |
| <b>COMPLETE IF KNOWN</b>  |                  |
| Application Serial Number | Not yet assigned |
| Filing Date               | Herewith         |
| Group Art Unit            | Not yet assigned |
| Examiner Name             | Not yet assigned |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TISSUE REGENERATIVE COMPOSITION, METHOD OF MAKING, AND METHOD OF USE THEREOF

*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on  as United States Application Serial Number or PCT International  
(MM/DD/YYYY)

Application Number  and was amended on (MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | YES                      | NO                       |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Serial Number(s) | Filing Date (MM/DD/YYYY) |  |
|------------------------------|--------------------------|--|
| 60/171,733                   | December 22, 1999        | <input type="checkbox"/> Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto. |
|                              |                          |  |

## Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. Not yet assigned

Atty. Docket No. SPV-001

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**DECLARATION – Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent<br>Serial Number | Parent Filing Date<br>(MM/DD/YYYY) | Parent Patent Number<br>(if applicable) |
|--|------------------------------------|---|
|  |                                    |   |

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:  Customer Number   → Place Customer Number Bar Code Label Here

OR

Registered practitioner(s) name/registration number listed below

| Name                   | Registration Number | Name                  | Registration Number |
|------------------------|---------------------|-----------------------|---------------------|
| Steven M. Bauer        | 31,481              | Thomas C. Meyers      | 36,989              |
| John V. Bianco         | 36,748              | Joseph B. Milstein    | 42,897              |
| Isabelle A.S. Blundell | 43,321              | David G. Miranda      | 42,898              |
| Maureen A. Bresnahan   | 44,559              | Ronda P. Moore        | 44,244              |
| Michael H. Brodowski   | 41,640              | Indranil Mukerji      | P-46,944            |
| Jennifer A. Camacho    | 43,526              | Edmund R. Pitcher     | 27,829              |
| Joseph A. Capraro, Jr. | 36,471              | Michael A. Rodriguez  | 41,274              |
| John J. Cotter         | 38,116              | Jamie H. Rose         | 45,054              |
| John V. Forcier        | 42,545              | R. Stephen Rosenholm  | 45,283              |
| Steven J. Frank        | 33,497              | Christopher W. Stamos | 35,370              |
| Brian M. Gaff          | 44,691              | Diana M. Steel        | 43,153              |
| Michael J. Giannetta   | 42,574              | Joseph P. Sullivan    | 45,349              |
| Duncan A. Greenhalgh   | 38,678              | Robert J. Tosti       | 35,393              |
| William G. Guerin      | 41,047              | Thomas A. Turano      | 35,722              |
| Jonathan A. Harris     | 44,744              | Michael J. Twomey     | 38,349              |
| Ira V. Heffan          | 41,059              | Christine C. Vito     | 39,061              |
| Danielle L. Herritt    | 43,670              | Patrick R.H. Waller   | 41,418              |
| Douglas J. Kline       | 35,574              | Daniel A. Wilson      | 45,508              |
| John D. Lanza          | 40,060              | Yin P. Zhang          | 44,372              |
| Kurt W. Lockwood       | 40,704              |                       |                     |

Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

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008707-5476-9160

## Declaration and Power of Attorney for Utility or Design Patent Application

Serial No. Not yet assigned

Atty. Docket No. SPV-001

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|  |   |   |       |                        |         |       |             |     |
|--|---|---|-------|------------------------|---------|-------|-------------|-----|
| <b>Name of Sole or First Inventor:</b>   |   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |       |                        |         |       |             |     |
| Given Name (first and middle [if any])   |   |   |       | Family Name or Surname |         |       |             |     |
| Alan R.  |   |   |       | Spievack               |         |       |             |     |
| Inventor's Signature   |  |   |       |                        |         | Date  | 10-10-00    |     |
| Residence  | City  | Cambridge   | State | MA                     | Country | USA   | Citizenship | USA |
| Post Office Address  | 6 Old Dee Road  |   |       |                        |         |       |             |     |
| P.O. Address (line 2)  | City  | Cambridge   | State | MA                     | ZIP     | 02138 | Country     | USA |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto. |   |   |       |                        |         |       |             |     |
| <b>Name of Additional Joint Inventor, if any:</b>  |   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |       |                        |         |       |             |     |
| Given Name (first and middle [if any])   |   |   |       | Family Name or Surname |         |       |             |     |
|  |   |   |       |                        |         |       |             |     |
| Inventor's Signature   |   |   |       |                        |         | Date  |             |     |
| Residence  | City  |   | State |                        | Country |       | Citizenship |     |
| Post Office Address  |   |   |       |                        |         |       |             |     |
| P.O. Address (line 2)  | City  |   | State |                        | ZIP     |       | Country     |     |
| <b>Name of Additional Joint Inventor, if any:</b>  |   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |       |                        |         |       |             |     |
| Given Name (first and middle [if any])   |   |   |       | Family Name or Surname |         |       |             |     |
|  |   |   |       |                        |         |       |             |     |
| Inventor's Signature   |   |   |       |                        |         | Date  |             |     |
| Residence  | City  |   | State |                        | Country |       | Citizenship |     |
| Post Office Address  |   |   |       |                        |         |       |             |     |
| P.O. Address (line 2)  | City  |   | State |                        | ZIP     |       | Country     |     |

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(b)) -- INDEPENDENT INVENTOR**

Attorney Docket No. SPV-001PR (6101/2)

Applicant, Patentee, or Identifier: Spievack

Application or Patent No.: Not yet assigned

Filed or Issued: Herewith

Title: TISSUE REGENERATIVE COMPOSITION

As a below named inventor, I hereby state that I qualify as an independent inventor as defined in 37 CFR 1.9(a) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- the specification filed herewith with title as listed above.
- the application identified above.
- the patent identified above.

I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- No such person, concern, or organization exists.
- Each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

Alan Spievack, M.D.

NAME OF INVENTOR  
  
 Signature of Inventor  
 12-22-99  
 Date

NAME OF INVENTOR  
 Signature of Inventor  
 Date

NAME OF INVENTOR  
 Signature of Inventor  
 Date